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From: F. Brice Faller
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Date: November 2, 2004
Our File: 5253-16

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 Confirmation Will Follow Confirmation Will Not Follow

**Expedited Procedure
Technology Center 3600**

Re: U.S. Serial No. 10/010,226
Filed: December 6, 2001
For: Piston-Cylinder Assembly Having A
Speed-Dependent Damping Force

- Request for Reconsideration dated November 2, 2004

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Attorney Docket # 5253-16

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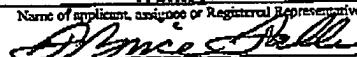
Expedited Procedure
Technology Center 3600PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Thomas MÜLLER
Serial No.: 10/010,226
Filed: December 6, 2001
For: Piston-Cylinder Assembly Having A Speed-
Dependent Damping Force

Examiner: Siconolfi, R.
Group Art: 3683

I hereby certify that this correspondence is being
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Commissioner for Patents, Attn. Examiner Siconolfi, R.,
Group Art 3683, on

November 2, 2004
(Date of Deposit)

R. Brice Muller
Name of applicant, assignee or Registered Representative

Signature

November 2, 2004
Date of Signature

VIA FACSIMILE: (703) 872-9306

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

SIR:

Responsive to the office action of August 2, 2004, reconsideration of the rejections
therein is requested for the reasons following.

Claims 1-3 and 5-10 stand rejected as being unpatentable over Schaefer DE 2800630
in view of Bauer et al. U.S. 4,949,941.

The examiner's discussion of Schaefer is rather limited. As in the first action, he
simply refers to Figure 3 therein as disclosing "cylinder 1, rod 2, piston 8, conical valve body 11,
spring 10, axially adjusted stop beneath the conical valve body threaded onto the piston".

Contrary to the above statement, the valve body 11 is not threaded onto the piston 5. Rather, the valve body 11 is fixed on the end of piston rod 2, and the piston 5 is loaded away from the valve body 11 by spring 10. In the position show in Figure 3, the piston 5 is seated against a shoulder on the piston rod 2, but clearly is not fixed to the piston rod, or the valve body 11 would not be movable relative to the piston 5 to close the annular gap between conical surfaces 11 and 12.

In operation, the spring 10 is compressed and the piston 5 moves toward the valve body 11 to close the annular gap in dependence on the speed of the piston rod 2 as it moves outward. When the annular gap is closed and the maximum damping force is exceeded, the spring loaded ball valve 16 opens to permit damping fluid to flow from working space 6 through cross-bore 18 and through the axial bore 17 to the working space 7.

Applicant's invention as recited in claim 1 is completely different. The piston 7 is fixed to the piston rod 5, and the valve body 29 is loaded away from the piston 7 by spring 29. As the piston rod 5 moves outward, the gap 31 between the conical surface 33 and the valve seat remains open, as the fluid moves through passage 27 and around the valve body 29. It is when the piston rod moves inward, as shown in Figure 2, that the valve body moves toward the piston to close the gap and stop movement of the piston rod. There is no relief valve, it being the object of the invention to stop the inward travel of the piston rod. As illustrated in Figure 3, this action is useful to stop forward travel of a seat frame when a pre-determined speed is exceeded.

Thus, it can be seen that the structure and operation of the vibration damper of Schaefer is very different from the structure and operation of the piston-cylinder assembly of the present invention as disclosed and claimed.

Bauer et al. is only cited for teaching a valve making linear contact with a seat, and adds nothing to Schaefer toward meeting applicant's claim limitations as discussed above. It is

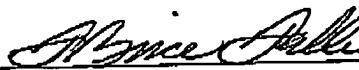
accordingly not deemed necessary to fully address Bauer et al. or the other secondary references cited against the remaining claims at the present time.

The claims being definite and patentable over the art of record, withdrawal of the rejections and early allowance are solicited. If any objections remain, a call to the undersigned is requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
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Dated: November 2, 2004

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